

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

MARVIN CHARLES GABRION,

Petitioner,

Case No. 1:10-cv-328

v.

HONORABLE PAUL L. MALONEY

UNKNOWN PARTIES,

Respondent.

/

**ORDER ADOPTING MAGISTRATE JUDGE'S  
REPORT AND RECOMMENDATION**

The Court has reviewed the Report and Recommendation (Dkt. #4) filed by United States Magistrate Judge Joseph G. Scoville in this action. The Report and Recommendation was duly served on the parties. No objections have been filed.

ACCORDINGLY, the Report and Recommendation is hereby adopted as the opinion of the Court.

**THEREFORE, IT IS ORDERED** that the habeas corpus petition is **DENIED without prejudice** for the reasons stated in the Report and Recommendation.

**IT IS FURTHER ORDERED** that a certificate of appealability is **DENIED**.

**This action is terminated.**

Date: July 14, 2010

/s/ Paul L. Maloney  
Paul L. Maloney  
Chief United States District Judge